

OFFICIAL
EXHIBITS

FILED
February 3, 2021
INDIANA UTILITY
REGULATORY COMMISSION

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION OF)
JASPER COUNTY RURAL ELECTRIC)
MEMBERSHIP CORPORATION FOR)
DESIGNATION AS AN ELIGIBLE)
TELECOMMUNICATIONS CARRIER FOR)
THE PURPOSE OF RECEIVING RURAL)
DIGITAL OPPORTUNITY FUND PHASE I)
SUPPORT)

CAUSE NO. 41052 – ETC - 89

IURC
PETITIONER'S
EXHIBIT NO. 3
3-15-21 DATE REPORTER

PETITIONER'S RESPONSE TO FEBRUARY 2, 2021 DOCKET ENTRY QUESTION

Jasper County Rural Electric Membership Corporation ("Jasper County REMC" or "REMC" or "Petitioner"), by counsel, hereby responds to the Indiana Utility Regulatory Commission's January 29, 2021 Docket Entry Question to "verify with specificity how Petitioner followed the updated ETC filing guidelines as outlined in GAO 2019-5".

Petitioner submits the following information to demonstrate that Petitioner followed the guidelines outlined in GAO 2019-5. To the extent Petitioner inadvertently omitted information required by GAO 2019-5, Petitioner has identified such omission herein and is submitting an Amended Petition contemporaneously with this Response.

General Administrative Order 2019-5 - Appendix A ETC Filing Guidelines

1. Purpose of Petition - Petitioner must clearly state the purposes for which eligible telecommunications carrier (ETC) designation is sought, listing all federal funding programs in which Petitioner intends to participate. (Lifeline-only; High-Cost; Mobility Fund; CAP or other FCC reverse auctions; other). If Petitioner offers more than one type of communications service, (for example, a company offering both mobile wireless and competitive local exchange (CLEC) service) it should clearly state which specific communications service(s) it intends to offer to fulfill its ETC commitments and any applicable federal USF/CAF rules and requirements.

RESPONSE: Petitioner provided this information in its Verified Petition, page 1, paragraph 1.

2. Partners or Affiliates - Petitioner must clearly identify any other companies or entities (either affiliated or unaffiliated) with which it is partnering, or intends to partner, in offering or providing supported services in Indiana. If applicable, please explain whether each partner entity is: (1) an affiliate or subsidiary of Petitioner, or (2) an unaffiliated entity. Also, if applicable, please note whether Petitioner was the original bidder in an FCC auction, or whether the original bidder transferred or "divided" some or all of its winning bid(s) to Petitioner and provide legal citations to the applicable FCC order, Public Notice or other FCC document or rule explaining this transfer or division of the winning bid(s).

RESPONSE: Petitioner provided this information in its Verified Petition, Section I(A) and Section I(B).

3. Required Certifications - Prior to applying for the requested ETC designation, Petitioner must hold a Certificate of Territorial Authority (CTA) pursuant to Ind. Code 8-1-32.5 indicating it is authorized to provide each of the communications services for which federal universal service support is sought. If Petitioner is already authorized to provide communications or utility services in Indiana, but not for the correct service area or type of communications services, Petitioner may modify an existing CTA or Certificate of Public Convenience & Necessity (CPCN) to include the proposed service area and/or authorization to offer each of the supported services required for ETC designation, (currently voice telephony service' and broadband Internet access service (BIAS), as they are described in 5, below). Petitioner is further instructed that in order to be designated as an ETC, at least one supported service for which it is authorized must be classified as a telecommunications service. Finally, Petitioner should demonstrate that all entity names, including trade names or branding names proposed to be used for the supported services, are registered with the Indiana Secretary of State and that the Commission has been notified of any changes to its Certificate of Territorial Authority pursuant to Ind. Code § 8-1-32.5-12.

RESPONSE: Petitioner provided this information in Section I(A) of the Verified Petition. However, proof of Petitioner's certification and good standing from the Indiana Secretary of State was inadvertently omitted from the Verified Petition. The Amended Petition being filed contemporaneously herewith includes Exhibit B,

which includes proof from the Indiana Secretary of State that all entity names, including trade names or branding names proposed to be used for the supported services, are registered with the Indiana Secretary of State.

4. Common Carrier with Ability to Serve Entire DSA - Petitioner must demonstrate that it is a common carrier as defined in the Communications Act of 1934, as amended, and that it will serve its entire designated ETC service area pursuant to 47 U.S.C. § 214(e)(1).

RESPONSE: Petitioner provided this information in its Verified Petition, Section III(A).

5. Supported Services - Pursuant to 47 CFR § 54.101 and/or 54.400 et seq., Petitioner must offer the supported services shown below in order to be designated as an ETC by this Commission. Furthermore, designation as an ETC by this Commission is a prerequisite to receiving federal high cost/CAP or Lifeline support.⁵

- a. Voice Telephony - is a supported service for rural, insular, and high cost areas, and for the Lifeline program. Eligible voice telephony services must provide:
- i. voice grade access to the public switched network or its functional equivalent;

RESPONSE: Petitioner provided this information in its Verified Petition, Section III(B)(1).

- ii. minutes of use for local service provided at no additional charge to end users;

RESPONSE: Petitioner provided this information in its Verified Petition, Section III(B)(2).

- iii. access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and

RESPONSE: Petitioner provided this information in its Verified Petition, Section III(B)(3).

- iv. toll limitation services⁶ to qualifying low-income consumers as required by the FCC's Lifeline program if applicable under FCC rules. (47 C.F.R. § 54.400(a).

RESPONSE: Petitioner provided this information in its Verified Petition, Section III(B)(4).

- b. Broadband Internet Access Services - are required pursuant to the FCC's rules in the applicable universal service program for rural, insular, and high cost areas, and for the Lifeline program from which the ETC will seek support.⁷ Eligible broadband Internet access services must provide the capability to transmit data to and receive data by wire or radio from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service. (47 C.F.R. 54.101(a)(2)). In addition, all high cost ETC Petitioners must offer BIAS consistent with all applicable broadband requirements associated with a particular FCC high cost or CAF program. For example, the FCC may impose additional requirements for broadband speeds, latency levels, broadband deployment timelines, etc..

RESPONSE: Petitioner provided this information in its Verified Petition, Section III(B)(5).

- c. Low Income (Lifeline) - All ETCs are required to offer Lifeline service subject to the requirements in 47 C.F.R. § Part 54, Subpart E. This includes not only ETC applicants who specifically request ETC designation solely to offer Lifeline (known as "Lifeline-only" ETCs), but also ETC Petitioners seeking designation to receive universal service support for rural, insular, and high-cost areas, without a specific request for Lifeline ETC authority. ⁸ Lifeline-only ETCs must offer Lifeline service directly to the qualifying Lifeline subscribers.⁹

RESPONSE: Petitioner provided this information in its Verified Petition, Section IV.

d. Exceptions – If Petitioner believes it is not, or should not, be required to offer Lifeline or a particular federally supported service listed above, it should include a discussion and explanation to that effect in its petition and testimony.

RESPONSE: This requirement is not applicable to Petitioner.

6. Proposed Designated Service Area -All ETC Petitioners must clearly indicate their proposed designated service area (DSA) by providing a legible map which delineates their respective proposed DSA within the state.¹⁰ An ETC' s DSA is "a geographic area within which an ETC has federal universal service obligations and may receive federal universal service support..."¹¹ Additionally, the petition should describe the DSA by listing applicable geographic units Petitioner proposes to serve, as explained further below:

a. All ETC Petitioners -

i. Shall submit a legible map of the proposed DSA in PDF (or other view capable format) as part of the case filing, as long the file does not exceed the data limit of 30 megabytes. The map should be printable on 8.5 by 11"paper in a format that is useful and understandable by indicating roads, county lines, state lines, and/or other relevant geographic features necessary to identify service area boundaries.

RESPONSE: Petitioner provided this information in its Verified Petition, Section III(D).

ii By the submission deadline for direct testimony, Petitioner shall upload into the Commission's Electronic Filing System in the docketed ETC proceeding, a detailed service area map in a zipped shapefile or geodatabase format (which also cannot exceed the data limit above). If submitting a shapefile poses a hardship, ETC Petitioners may file a motion explaining the hardship and proposing an alternative, such as delivery of a Compact Disk - Recordable (CD-R) along with applicable Notice of Filing. No flash drives will be accepted.

RESPONSE: Petitioner submitted a shapefile showing the map of the proposed designated service area on February 3, 2021.

b. All ETC Petitioners - shall provide a list of ILEC rate centers (also known as exchanges) it proposes to serve and indicate if the exchange is served in its entirety or partially.

RESPONSE: Petitioner provided this information in its Verified Petition, Section III(D) and Exhibit A.

c. CAF or Reverse Auction ETC Petitioners – If Petitioner intends to participate in an FCC Connect America Fund (CAF) program which uses census blocks to determine universal service obligations, Petitioner should list the applicable census blocks (CBs) in a single column in an Excel spreadsheet in the docketed ETC proceeding.

RESPONSE: Petitioner provided this information in its Verified Petition, Exhibit A. Petitioner submitted a list the applicable census blocks (CBs) in a single column in an Excel spreadsheet on February 3, 2021.

d. Lifeline-only ETC Petitioners- Mobile Wireless Petitioners that seek ETC designation solely for the purpose of offering Lifeline services should file a list of ILEC exchanges that fall within their proposed designated service area. Lifeline-only mobile wireless ETC Petitioners must also submit a mobile wireless coverage area map or maps that demonstrate the Petitioner's (or if Petitioner is a reseller of mobile wireless services, its underlying facilities-based mobile wireless carrier(s)') coverage area has the ability to serve its (Petitioner's) entire proposed DSA. The coverage area should match the proposed designated service area in (a) and (b) above.

RESPONSE: This requirement is not applicable to Petitioner.

e. Competitive ETCs Petitioners seeking High-Cost or CAF Support -Ifthe Petitioner proposes to serve a rural telephone company's 12 service territory and is seeking federal High-Cost support, such as the Mobility Fund, CAF, or other High-Cost support mechanisms as defined in 47 C.F.R. § 54.5, it must serve the entire study area¹³ of the rural telephone company pursuant to 47 C.F.R. §§ 54.207(b) & (c). If the FCC has granted forbearance from this

requirement or if Petitioner is otherwise exempt from this requirement, documentation of such should be presented in the petition.

RESPONSE: The FCC has granted forbearance from this requirement, and Petitioner provided a citation to the relevant FCC order in its Verified Petition, Section III(D).

7. Disclosure of Charges for Services and Commitment to Advertise Supported Services - Petitioner should show how the services that are to be supported by the universal service support mechanisms and charges for such services will be promoted and how the terms of the supported services will be disclosed to customers. (Provide sample advertising, a link to company Website, etc.) (47 C.F.R. § 54.201 (d)(2)).

RESPONSE: Petitioner provided this information in its Verified Petition, Section III(C).

8. Facilities- Petitioner must state whether it will offer the services that are supported by federal universal service support mechanisms using its own facilities or a combination of its own facilities and resale of another carrier's services. (47 C.F.R. 54.201(d)(1)).

RESPONSE: Petitioner provided this information in its Verified Petition, Section III(B).

a. Mobile wireless resellers that seek ETC designation only for the purposes of offering Lifeline services must demonstrate they have obtained forbearance by the FCC from the statutory "own facilities" requirement in 47 U.S.C. 214(e)(1)(A). If a Lifeline- only ETC Petitioner has received blanket forbearance from this requirement pursuant to the FCC's 2012 Lifeline Reform and Modernization Order, the FCC approved compliance plan must be filed with the ETC petition.

RESPONSE: This requirement is not applicable to Petitioner.

b. Mobile wireless resellers should provide the name of the facilities based mobile wireless carrier(s) whose services they are reselling and demonstrate they have an agreement with the carrier(s) in Indiana that will cover the proposed designated service area.

RESPONSE: This requirement is not applicable to Petitioner.

9. Financial and Technical Capability - Pursuant to 47 C.F.R. 54.201(h), a Petitioner that seeks ETC designation only for the purposes of seeking federal reimbursement from the federal low income Lifeline program must demonstrate that it is financially and technically capable of providing the supported Lifeline service in compliance with 47 C.F.R. 54.400 through 54.422. To make such a showing, prospective ETCs should provide:

RESPONSE: This requirement is not applicable to Petitioner.

10. Five-Year Plan - Petitioner must submit a five-year plan that describes with specificity proposed improvements or upgrades to the Petitioner's network throughout its proposed service area. Each applicant shall estimate the area and population that will be served as a result of the improvements. A common carrier seeking ETC designation solely for the purpose of seeking reimbursement from the federal Lifeline program does not need to submit a five-year plan. (47 C.F.R. 54.202(a)(1)(ii)).

RESPONSE: Petitioner requested the Commission waiver this requirement in in its Verified Petition, Section III(E)(1). The Amended Petition submitted herewith corrects the reference to GAO 2019-5 and provides revised citations to FCC orders to support Petitioner's request for waiver.

11. Functional in Emergencies - Petitioner must demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations. (47 C.F.R. 54.202(a)(2)).

RESPONSE: Petitioner provided this information in its Verified Petition, Section III(E)(2).

12. Consumer Protection and Service Quality - Petitioner must demonstrate that it will satisfy applicable consumer protection and service quality standards. A commitment by mobile wireless applicants to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service 16 will satisfy this requirement. Other commitments to consumer protection and service quality may also be considered on a case-by-case basis. (47 C.F.R. 54.202(a)(3)).

RESPONSE: Petitioner provided this information in its Verified Petition, Section III(E)(3).

13. Description of Lifeline Plan - Petitioners seeking reimbursement only from the Low Income Fund must specify the number of minutes that will be provided free of charge or at no additional per minute charge to end users and describe the terms and conditions of any voice telephony service plan(s) offered to Lifeline subscribers, including details on the number of minutes provided as part of the plan; additional charges, if any, for toll calls; and rates, fees and charges for each such plan. 17 To the extent the eligible telecommunications carrier offers a plan(s) to Lifeline subscribers that is generally available to the public, it should provide summary information regarding such plan(s), such as a link to a public website outlining the terms and conditions of such plan(s). (47 C.F.R. §§ 54.202(a)(5)).

RESPONSE: This requirement is not applicable to Petitioner.

14. Public Interest - Petitioner must explain how its proposed communications service offerings will (1) benefit consumers, and (2) impact the universal service fund. Petitioner must also identify any unique advantages or disadvantages of its service offerings to customers.

RESPONSE: Petitioner provided this information in its Verified Petition, Section III(F).

15. Notify the Commission of Changes - Petitioner must agree to notify the Commission in the future if any factors change affecting eligibility for ETC designation. (1997 ETC Preliminary Order in Cause 41052, issued Nov. 6, 1997).

RESPONSE: Petitioner provided this information in its Verified Petition, Section V(A).

16. Payment of Applicable Public Interest Fees - Petitioner shall agree to pay all Corporation ("INTRAC") fee, pursuant to Ind. Code 8-1-2.8; the Indiana Universal Service Fund applicable Indiana public interest fees, including the Indiana Telecommunications Relay Access ("IUSF") surcharges established in Cause No. 42144 or related subdockets; the statewide 911 fee required under Ind. Code 36-8-16.6 and/or 16.7; and the Public Utility Fee pursuant to Ind. Code 8-1-6. It is incumbent upon prepaid mobile wireless providers to inform the retailers that sell their products that it is their responsibility to collect and submit the 911 surcharge pursuant to Indiana law.

RESPONSE: Petitioner provided this information in its Verified Petition, Section V(B).

17. Verification - The Petition must be verified pursuant to 170 IAC 1-1.1-8.

RESPONSE: Petitioner provided this information in its Verified Petition, Verification of Seann Perry.

18. Response to Future ETC Relinquishment Petitions – If Petitioner is designated as an ETC, Petitioner must certify that it will respond to any future information requests from the Commission regarding its ability to assume responsibility to serve existing customers of another ETC that operates in Petitioner's designated service area, in the event such other ETC serving all or part of the same service area relinquishes all or part its ETC designation. Petitioner is advised that the Commission retains the right to require one or more ETCs to serve as respondents in future ETC relinquishment proceedings. (See 47 U.S.C. § 214(e)(4)). Appendix C to GAO

contains additional information regarding possible future ETC relinquishment proceedings before this Commission.

RESPONSE: This information and certification was inadvertently omitted from the Verified Petition. The Amended Petition submitted herewith includes the required certification in Section V(C).

Respectfully submitted,

By: /s/ Erin C. Borissov
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Response to February 2, 2021 Docket Entry Question has been electronically served upon the following this 3rd day of February, 2021:

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